

## Message Text

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ACTION NEA-10

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INR-07 L-03 NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15

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FM AMEMBASSY COLOMBO

TO SECSTATE WASHDC 5331

INFO AMEMBASSY LONDON

AMEMBASSY NEW DELHI

AMCONSUL MADRAS

C O N F I D E N T I A L COLOMBO 2693

E.O. 11652: GDS

TAGS: PINT,PINS,CE

SUBJECT: TRIALS OF TAMIL SECESSIONISTS

REF (A) 75 COLOMBO 2332, (B) COLOMBO 1976

1. SUMMARY: GSL HAS ANNOUNCED THAT SEVEN SUSPECTS IN ASSASSINATION LAST YEAR OF JAFFNA MAYOR DURAIYAPPAH BY TAMIL EXTREMISTS WILL BE BROUGHT TO TRIAL SOON BEFORE HIGH COURT-AT-BAR, DEVICE TO AVOID JURY TRIAL. MEANWHILE, SIMILAR TRIAL-AT-BAR UNDER EMERGENCY REGULATIONS HAS BEGUN FOR FIRST OF FOUR TAMIL POLITICIANS ACCUSED OF DISTRIBUTING SECESSIONIST PROPAGANDA. TRIALS NOW APPEAR TO BE WARNING BY GOVERNMENT TO RADICAL TAMILS NOT TO ATTEMPT ANYTHING TO EMBARRASS THEM DURING NEXT MONTH'S NON-ALIGNED CONFERENCE IN COLOMBO, WHEN RURAL POLICE STATIONS WILL BE SEVERELY UNDERSTAFFED TO MEET SECURITY DEMANDS OF NAC. TAMILS NOW MAINTAIN THAT THEIR ONLY PLANS ARE FOR LOW-KEY PROPAGANDA ACTIVITIES AMONG DELEGATES AND PRESS. NED SUMMARY.

2. ON JULY 27, FIRST ANNIVERSARY OF ASSASSINATION OF JAFFNA MAYOR AND GOVERNMENT-SUPPORTER ALFRED DURAIYAPPAH  
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REF(REF A), GSL FILED INDICATMENT UNDER EMERGENCY REGULATIONS

IN SUPRME COURT CHARGING SEVEN TAMIL YOUTHS WITH CONSPIRACY TO CAUSE HIS DEATH. POLICE ARE CONTINUING TO SEARCH FOR TWO AND POSSIBLY THREE OTHERS IN CONNECTION WITH THE ASSASSINATION. CASE WILL BE TRIED BEFORE HIGH COURT-AT-BAR, PANEL OF THREE JUDGES WITHOUT JURY, BUT WILL NOT BE TAKEN UP BEFORE SEPTEMBER AT EARLIEST BECAUSE OF AUGUST 6-20 COURT VACATION DURING NON-ALIGNED CONFERENCE.

3. THERE IS NO SIGN THAT ANY RECENT EVIDENCE HAS COME TO LIGHT IN YEAR-OLD CASE AND MOST OF SUSPECTS HAVE BEEN IN CUSTODY SINCE FIRST FEW MONTHS AFTER ASSASSINATION. TAMIL UNITED LIBERATION FRONT (TULF) SOURCE INSISTS THAT POLICE HAVE FLIMSY CASE. INDEED THE POLICE HAVE BEEN STYMIED FROM BEGINNING IN LOCATING RINGLEADERS.

4. MEANWHILE SIMILAR TRIAL-AT-BAR UNDER EMERGENCY REGULATIONS (PREVENTION OF SUBVERSION) HAS BEGUN AGAINST FIRST OF FOUR TAMIL POLITICIANS ACCUSED OF DISTRIBUTING SECESSIONIST PROPAGANDA (REF B). FOUR INDIVIDUAL TRIALS WILL APPARENTLY BE CONSECUTIVE. CURRENT TRIAL OF FIRST ACCUSED, A. AMIRTHALINGAM, JOINT GENERAL SECRETARY OF TULF AND FORMER MEMBER OF PARLIAMENT BEGAN JULY 12. PRELIMINARY AGRUGMENTS ARE STILL CONTINUING. DEFENSE IS ARGUING TECHNICAL OBJECTIONS THAT GOVERNMENT IMPROPERLY DECLARED STATE OF EMERGENCY, THEREBY RENDERING IT INVALID, AND THAT WHOEL REPUBLICAN CONSTITUTION OF 1972 IS INVALID BECAUSE IT WAS NEVER ACCEPTED BY TAMIL POPULATION AND THEIR REPRESENTATIVES THE TULF. IN EXTREMELY UNLIKELY EVENT THAT COURT WERE TO ACCEPT EITHER CONTENTION, CONSEQUENCES FOR PRESENT GOVERNMENT WOULD BE CATASTROPHIC. JUSTICES HAVE SKEPTICALLY QUESTIONED DEFENSE ATTORNEYS AS TO HOW COURT INVALIDATE STRUCTURES (EMERGENCY AND CONSTITUTION) UNDER AUTHORITY WHICH HIGH COURT-AT-BAR WAS APPOINTED. ONCE PRELIMINARY ARGUMENTS ARE SETTLED, THIS TRIAL AND SUCCEEDING ONE SHOULD PROCEED MORE QUICKLY. HOWEVER THEY TOO WILL BE POSTPONED DURING NON-ALIGNED CONFERENCE.

5. COMMENT: PRESENT CASES-BOTH ASSASSINATION AND CONFIDENTIAL

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SECESSIONIST PAMPHLETTERRING-BEING TAKEN UP AT THIS TIME APPEAR TO CONSTITUTE STRONG WARNING BY PRIME MINISTER THAT NO DISTRUPTION OF PUBLIC ORDER WILL BE PERMITTED DURING AUGUST NAC. RURAL POLICE STATIONS ARE BEING STATTED ONLY LIGHTLY AND WITH NEW RECRUTIS DURING AUGUST BECAUSE OF NECESSITY OF HAVING LARGE NUMBER OF EXPERIENCED HANDS ON DUTY IN COLOMBO FOR CONFERENCE SECURITY. IN FACT, TAMILS MAINTAIN THAT THEY PLAN NOTHING BEYOND

PEACEFUL INFORMATIONAL ACTIVITIES. TAMILS RESIDENT IN  
BRITAIN HAVE ALREADY REPORTEDLY DISTRIBUTED SECESSIONIST  
PROPAGANDA MATERIAL BY MAIL TO DELEGATION. LOCAL  
ACTIVISTS HOPE TO INTEREST SOME OF HUGE CORPS OF  
CONFERENCE JOURNALISTS IN THE TAMIL LIBERATION MOVEMENT;  
ONE ENTERPRISING TULF MAN MANAGED TO BUTTONHOLE FOR  
INTERVIEWS 12 OF 16 DELHI-BASED CORRESPONDENTS WHO WERE  
RECENTLY HERE AS GUESTS OF THE GSL. RECENT TULF CONVENTION  
IN TRINCOMALEE, WHICH MIGHT HAVE CALLED FOR SOME SORT OF  
DIRECT ACTION DURING CONFERENCE, INSTEAD ONLY PASSED  
RESOLUTION FOR WEEK OF REMEMBRANCE OF TAMIL YOUTHS IN  
JAIL. THAT WEEK IS NOW IN PROGRESS WITH NO SIGN HERE OF  
DISRUPTIVE ACTIVITY.

6. CEYLON WORKERS CONGRESS (CWC) UNION OF TAMIL ESTATE  
WORKERS AND ONE COM-  
PONENT OF TAMIL UNITED FRONT (AS IT  
WAS KNOWN BEFORE MAY NAME-CHANGE), IGNORED TRINCOMALEE  
CONVENTION AS IT HAD MAY JAFFNA CONVENTION. CWC HAS  
PUBLICLY DISASSOCIATED ITSELF FROM NEW SEPARATIST PLATFORM  
OF TULF, BUT CONTINUES TO SUPPORT OTHER TAMIL RIGHTS  
DEMANDS.  
REED

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